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ABSTRACT

Federal regulations for the Adult Education Act and the Carl D. Perkins Vocational Education Act were revised in 1985. The following are the major changes to the Adult Education Act regulations: (1) the definition of "adult" was changed to permit services to persons under the age of 16 in some cases; (2) the definition of "expansion" has been modified to include "efforts" to increase enrollments, rather than just "results"; (3) the Act permits the Department of Education to collect demographic and statistical information as simply as possible; (4) the regulations governing state advisory councils are much less prescriptive; (5) expenditures for administration are not limited by a percentage; (6) for-profit agencies can apply for funds; (7) all applications for funding are to be reviewed; and (8) multi-year rather than annual projects are now allowed. The following are some of the issues being discussed concerning the Carl D. Perkins Vocational Education Act: (1) the need to make vocational education programs accessible to all persons, and the need to improve the quality of vocational education programs in order to improve productivity and promote economic growth; (2) the problem of excess cost regulations, which reduce the amount spent on special populations; (3) an inequitable ratio for funding programs for persons with limited English proficiency; and (4) vague provisions. (KC)

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VOCATIONAL AND ADULT EDUCATION: MAJOR REGULATION ISSUES

PRESENTED TO
THE EDUCATION COMMISSION OF THE STATES
ANNUAL MEETING

BY

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VOCATIONAL AND ADULT EDUCATION:
MAJOR REGULATION ISSUES

My remarks today concern the major issues we faced and are facing in preparing regulations for the Carl D. Perkins Vocational Education Act and the Adult Education Act.

The final regulations for the Adult Education Act were published July 18th and will become effective September 2nd. We are still in the clearance process on the Perkins Act regulations, but we plan to have these regulations published in final form in mid-August.

(ADULT EDUCATION REGULATIONS)

Let me begin with the Adult Education Act regulations and point out that the changes in this Act were not as dramatic as those in the Perkins Act.

First, I would like to say that the Amendments to the Adult Education Act were based in substantial part on the Administration's legislative proposal for the reauthorization of this program. We are very supportive of the amendments and feel they will serve to strengthen the program.

LET ME NOW GIVE YOU A BRIEF OVERVIEW OF THE MAJOR CHANGES TO THE ADULT EDUCATION ACT AND HOW WE DEALT WITH THE CHANGES IN REGULATION--

- THE DEFINITION OF "ADULT" WAS CHANGED IN THE STATUTE AND REGULATIONS TO PERMIT SERVICES TO THOSE PERSONS UNDER THE AGE OF 16 IF THOSE PERSONS ARE BEYOND THE AGE OF COMPULSORY SCHOOL ATTENDANCE IN A STATE.

- THE ACT CONTINUES ITS EMPHASIS ON EXPANSION OF THE DELIVERY SYSTEM. WE THINK WE HAVE TAKEN A REASONABLE POSITION IN THE REGULATIONS BY MODIFYING THE DEFINITION OF "EXPANSION" TO INCLUDE EFFORTS TO INCREASE ENROLLMENTS AND NUMBERS OF NON-PUBLIC SCHOOL INSTITUTIONAL SERVICE PROVIDERS RATHER THAN BASING THE REQUIREMENT SOLELY ON ACTUAL INCREASES.

- THE ACT CONTAINS A NEW AUTHORITY WHICH PERMITS THE DEPARTMENT TO COLLECT DEMOGRAPHIC AND STATISTICAL INFORMATION ABOUT ADULT EDUCATION AND ITS PARTICIPANTS. WE MADE A DELIBERATE EFFORT IN THE REGULATIONS AND IN FASHIONING THE DATA COLLECTION INSTRUMENT TO GATHER ONLY SUCH INFORMATION WHICH IS ESSENTIAL TO AN UNDERSTANDING OF THE PROGRAM AND THE PARTICIPANTS IN ORDER TO MAKE THIS REQUIREMENT AS LEAST BURDENSOME AS POSSIBLE.

- In accordance with the Act, we made the regulations covering State Advisory Councils much less prescriptive than the old regulations.

- While the Act is silent on State or local expenditures for administration, the regulations authorize such expenditures without percentage limitation, although we believe such expenditures should be held to a minimum.

- In accordance with the Act the regulations make <u>for-profit</u> agencies, organizations, or institutions eligible applicants for funds. However there are special conditions which these for-profit entities must meet before they can be considered for funding, and these conditions are spelled out in the regulations.

- The old regulations required that all awards to eligible recipients be made on a "competitive" basis. We could not retain this exact language in the regulations because there was no specific statutory authority for such a requirement. The regulations do require, however, that <u>all</u> applications be reviewed. We feel that this requirement incorporates the essence of a competitive process.

- The old regulations required that the State review <u>annually</u> all applications submitted by eligible applicants. We dropped this requirement in the regulations and now permit

MULTI-YEAR PROJECTS IF THE STATE SO DESIRES. THIS IS AN EXAMPLE OF HOW WE TRIED TO PROVIDE STATE FLEXIBILITY WHENEVER WE COULD.

- FINALLY, THE AMENDMENTS ESTABLISHED A NEW NATIONAL ADULT EDUCATION DISCRETIONARY PROGRAM. THE PROGRAM, BY LAW, CANNOT BE FUNDED UNTIL THE TOTAL APPROPRIATIONS FOR THE PROGRAM REACH $112 MILLION. EVEN IF CONGRESS PASSES A PROPOSED SUPPLEMENTAL THIS YEAR OF SOME $2 MILLION, THIS FIGURE WON'T BE REACHED FOR FY 1986. IN COMING YEARS, HOWEVER, I AM CONFIDENT THE PROGRAM WILL BE FUNDED--PERMITTING THE DEPARTMENT TO SUPPORT NATIONAL APPLIED RESEARCH, DEVELOPMENT, DEMONSTRATION, DISSEMINATION, AND EVALUATION PROGRAMS.

(PERKINS ACT REGULATIONS)

LET ME TURN NOW TO THE PERKINS ACT AND TO THE ASSOCIATED REGULATION ISSUES.

AS I MENTIONED BEFORE WE DO NOT EXPECT PUBLICATION OF THE VOCATIONAL EDUCATION REGULATIONS IN FINAL FORM UNTIL MID-AUGUST. CONSEQUENTLY, FINAL DECISIONS ON A NUMBER OF THE ISSUES I AM ABOUT TO MENTION HAVE NOT BEEN MADE, AND IT WOULD BE INAPPROPRIATE FOR ME TO SPECULATE ON THE OUTCOME OF THE REVIEW PROCESS.

WHILE THE REGULATIONS ADHERE CLOSELY TO THE STATUTE, WE ATTEMPTED TO CLARIFY THOSE LEGISLATIVE PROVISIONS WHICH WERE CONFUSING OR ELICITED PUBLIC COMMENT.

WE RECEIVED HUNDREDS OF COMMENTS, COMPLAINTS, QUESTIONS, AND RECOMMENDATIONS FROM THE VOCATIONAL COMMUNITY AND THE GENERAL PUBLIC. EACH POINT WAS CONSIDERED AS WE WORKED ON THE FINAL REGULATIONS.

AS YOU KNOW, THE PERKINS ACT FOCUSES FEDERAL INVOLVEMENT IN THE VOCATIONAL EDUCATION ON TWO BROAD THEMES--

- FIRST, MAKING VOCATIONAL EDUCATION PROGRAMS ACCESSIBLE TO ALL PERSONS, INCLUDING HANDICAPPED AND DISADVANTAGED PERSONS; SINGLE PARENTS AND HOMEMAKERS; ADULTS IN NEED OF TRAINING AND RETRAINING; PERSONS PARTICIPATING IN PROGRAMS DESIGNED TO ELIMINATE SEX BIAS AND STEREOTYPING; AND INCARCERATED PERSONS.

- SECOND, IMPROVING THE QUALITY OF VOCATIONAL EDUCATION PROGRAMS IN ORDER TO GIVE THE NATION'S WORKFORCE THE MARKETABLE SKILLS NEEDED TO IMPROVE PRODUCTIVITY AND PROMOTE ECONOMIC GROWTH.

SINCE ENACTED, THE LAW HAS RAISED SEVERAL MAJOR ISSUES WITH REGARD TO ITS IMPLEMENTATION--

- o THE SHIFT IN NATIONAL POLICY FROM ONE OF MAINTAINING PROGRAMS TO ONE OF IMPROVING PROGRAMS IS A SERIOUS PROBLEM FOR MANY STATES.

- o IN THE NEW LAW THERE IS A CHANGE IN "EXCESS COSTS" REQUIREMENT. THE OLD ACT PERMITTED FEDERAL FUNDS TO BE USED TO PAY FOR 50 PERCENT OF THE TOTAL COST OF SEPARATE PROGRAMS FOR THE HANDICAPPED OR DISADVANTAGED. NOW, FEDERAL FUNDS CAN ONLY BE USED TO PAY FOR 50 PERCENT OF THE COST OF SERVICES AND ACTIVITIES WHICH EXCEED THE AVERAGE PER-PUPIL EXPENDITURES FOR COMPARABLE REGULAR VOCATIONAL EDUCATION SERVICES AND ACTIVITIES. STATES SEE THIS CHANGE AS A REAL ISSUE AND WARN THAT THIS NEW PROVISION MAY RESULT IN THE LOSS OF EXCELLENT PROGRAMS IN A NUMBER OF STATES.

- o WITH REGARD TO FUND ALLOCATION UNDER TITLE II, THE ACT IS AMBIGUOUS REGARDING WHEN THE 7 PERCENT SHOULD BE RESERVED FOR STATE--ADMINISTRATION BEFORE OR AFTER THE 57/43 SPLIT. ALTHOUGH WE RECEIVED CONGRESSIONAL SUPPORT FOR BOTH OPTIONS, THE SECRETARY INTERPRETED THE ACT TO REQUIRE THE 7 PERCENT TO BE RESERVED PRIOR TO ALLOTTING THE 57 PERCENT AND THE 43 PERCENT TO PARTS A AND B RESPECTIVELY.

- THE ACT ESTABLISHES AN INEQUITABLE RATIO FOR FUNDING PROGRAMS FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY.

  THE SECRETARY ATTEMPTED TO GIVE THE LANGUAGE OF THE STATUTE REASONABLE MEANING BY THE INTERPRETATION CONTAINED IN THE PROPOSED REGULATIONS. HOWEVER, SOME COMMENTERS DISAGREED WITH THE INTERPRETATION. THE SECRETARY HAS PROPOSED A TECHNICAL AMENDMENT TO MAKE THE RATIO A MORE EQUITABLE ONE.

- ANOTHER PROBLEM AROSE IN TWO TITLE III PROGRAMS IN WHICH THE STATUTE CONFLICTS WITH THE LEGISLATIVE HISTORY. IN THE CONSUMER AND HOMEMAKING EDUCATION PROGRAM AND THE COMPREHENSIVE CAREER GUIDANCE AND COUNSELING PROGRAMS, THE ACT PLACES A 6 PERCENT CAP ON STATE "LEADERSHIP" ACTIVITIES. DEBATE IN A FLOOR COLLOQUY REVEALED THAT THE CONFEREES CLEARLY INTENDED THE CAP TO BE ON STATE ADMINISTRATIVE COSTS. IN SUCH A CASE, THE REGULATIONS MUST REFLECT THE ACT. HOWEVER THE DEPARTMENT HAS SUBMITTED A TECHNICAL AMENDMENT TO PLACE THE 6 PERCENT CAP ON STATE ADMINISTRATION.

- THE PERKINS ACT CONTAINS A BROAD (AND I MIGHT ADD--VAGUE) TRANSITION PROVISION. WE SPENT A LOT OF TIME WRESTLING WITH JUST WHAT THIS PROVISION MEANT--AND WHAT IT SHOULD MEAN. IN THE COMMENT/RESPONSE APPENDIX TO THE REGULATIONS WE WILL ISSUE GUIDELINES ON THE MEANING OF THIS PROVISION. ALSO, WE WILL ESTABLISH A CUT-OFF DATE FOR THE TRANSITION PROVISIONS IN THE FINAL REGULATIONS.

- The maintenance of effort provision in the Perkins Act also caused confusion. The Act really isn't clear as to whether both State and local funding are to be counted or only State funds. Based on the legislative history we took the position in the draft regulations that only funds from State sources will be counted.

- Of course there were numerous commenters who sought to re-write the statute through the regulations process. In most of those cases, the regulations could not provide the relief sought. However, overall I think States will be pleased with final regulations.

(CONCLUDING REMARKS)

Before I conclude my remarks I think I should share with you that on July 15th I submitted to President Reagan my resignation as Assistant Secretary for Vocational and Adult Education. The resignation is effective September 30th. I regret leaving a leadership position that has given me the opportunity to oversee and contribute to the thriving fields of vocational and adult education. At the same time, I take pride in the work we have accomplished, and in the contributions I feel confident the field will bring to our nation's development.

IN MY LETTER OF RESIGNATION, I TOLD THE PRESIDENT THAT I HAVE BEEN ENCOURAGED BY HIS SUPPORT FOR VOCATIONAL EDUCATION. I APPRECIATE THE STATEMENTS THE PRESIDENT HAS MADE IN RECOGNIZING THE VOCATIONAL INDUSTRIAL CLUBS OF AMERICA'S SKILL OLYMPICS IN LOUISVILLE, KENTUCKY. LET ME QUOTE HIS STATEMENT--

> "WE SHOULD SEE THAT ALL OUR YOUNG PEOPLE GET A GOOD GROUNDING IN ENGLISH AND LITERATURE, HISTORY, MATH, SCIENCE, AND THE OTHER BASICS. BUT WE MUST ALSO RECOGNIZE THAT OUR VOCATIONAL CLASSROOMS ARE JUST AS IMPORTANT AS ANY OTHER."

AS I TOLD THE PRESIDENT, THERE IS NO QUESTION THAT THE SKILLS, PRODUCTIVITY, AND COMPETITIVENESS OF OUR NATION'S WORKFORCE DEPEND TO A GREAT EXTENT ON THAT RECOGNITION AND EMPHASIS.

MY EXPERIENCE IN WORKING FOR THE REAGAN ADMINISTRATION UNDER THE LEADERSHIP OF SECRETARIES BELL AND BENNETT DURING THE LAST FOUR AND ONE-HALF YEARS HAS BEEN REWARDING AND FULFILLING AND PARTICULARLY SO BECAUSE I WAS PRIVILEGED TO BE INVOLVED IN A NUMBER OF EXCITING INITIATIVES. LET ME SHARE WITH YOU A FEW OF THESE INITIATIVES--

O WE ESTABLISHED TASK FORCES ON--

- DEFENSE PREPAREDNESS. THIS LED TO AN AGREEMENT WITH THE DEPARTMENT OF DEFENSE TO ESTABLISH A JOINT COMMITTEE ON EDUCATION AND TRAINING TO IMPROVE THE TRAINING OF MILITARY PERSONNEL.

- ENTREPRENEURSHIP EDUCATION. THIS TASK FORCE IS WORKING TO FOSTER ECONOMIC DEVELOPMENT THROUGH ENTREPRENEURSHIP EDUCATION AND TRAINING.

- PRIVATE SECTOR INVOLVEMENT IN VOCATIONAL EDUCATION. THIS EFFORT INVOLVES COMBINING THE EXPERTISE OF OVER 100,000 PRIVATE SECTOR VOCATIONAL EDUCATION ADVISORY COMMITTEES TO IMPROVE VOCATIONAL EDUCATION INSTRUCTION.

- HIGH TECHNOLOGY. A TASK FORCE HAS BEEN INSTITUTED TO IDENTIFY THE CRITICAL ISSUES GERMANE TO TECHNOLOGICAL CHANGE AND EMPLOYMENT PREPARATION AND THEIR IMPACT ON THE SOCIAL AND ECONOMIC FABRIC OF OUR NATION.

- ADULT LITERACY. THIS MAJOR DEPARTMENTAL NATIONAL INITIATIVE IS CONTINUING ITS EFFORTS TO BRING A NATIONAL FOCUS ON ADULT LITERACY WITH EMPHASIS ON PRIVATE SECTOR CONTRIBUTIONS AND VOLUNTEERISM.

o Additionally two important new programs have been established that you should be aware of--

- Corrections Education. This program provides resources and technical assistance to State and Federal prisons and jails in order to promote the availability of effective vocational education programs to over 2.2 million adults and juveniles.

- Rural Education. This program has as its major task bringing National focus to improving rural education across America.

o We at the Department also initiated a series of major development projects designed to enhance workforce education and training. These include--

- The Johnstown Model Retraining Project to develop a training program for displaced coal and steel workers.

- The Chrysler Model Retraining Project designed to develop a training program for displaced auto workers.

- The Ford National Development and Training Program which will bring vocational counseling, assessment and instructional services to 75,000 blue collar workers.

- I THINK IT IS IMPORTANT TO MENTION THE SUPPORT AND FOCUS WHICH THE DEPARTMENT HAS GIVEN TO VOCATIONAL EDUCATION THROUGH ITS POLICY STATEMENTS ON--

  - VOCATIONAL EDUCATION
  - VOCATIONAL STUDENT ORGANIZATIONS
  - ENTREPRENEURSHIP EDUCATION
  - RURAL EDUCATION
  - CORRECTIONAL EDUCATION

- FINALLY, I WOULD LIKE TO POINT TO THE SECRETARY'S AWARDS FOR OUTSTANDING VOCATIONAL EDUCATION PROGRAMS BEGUN IN 1981. THIS PROGRAM ANNUALLY RECOGNIZES TEN PROGRAMS FROM ACROSS THE COUNTRY FOR THEIR EXCELLENCE. A SIMILAR PROGRAM IS BEING INSTITUTED THIS YEAR FOR ADULT BASIC EDUCATION PROGRAMS.

LET ME CLOSE BY SAYING IT HAS BEEN A PRIVILEGE TO SERVE AS ASSISTANT SECRETARY FOR VOCATIONAL AND ADULT EDUCATION. THE EXPERIENCE HAS BEEN PARTICULARLY FULFILLING FOR A LONGTIME EDUCATOR SUCH AS MYSELF. I THANK YOU ALL FOR YOUR SUPPORT DURING MY TENURE, AND ENCOURAGE YOU IN YOUR CONTINUED RELATIONSHIP WITH THE DEPARTMENT OF EDUCATION.